indicating the activity level with an indicator device coupled to the controller and driven by the signal.

23.   (Previously Pending) The method of claim 22, wherein the same processor receives the port activity information and determines the port activity level.

24.   (Previously Pending) An activity-level indicator comprising:

means for receiving an activity level of a port from a processor associated with the port and generating a signal that is related to the activity level; and

means for indicating the activity level in response to the signal.

REMARKS

Claims 1-24 are pending. The Office Action mailed on March 28, 2003, ("Office Action") rejected claims 1-24 and Applicants' undersigned attorney respectfully disagrees as discussed below.

Rejection of Claims 1, 2, and 4 Under 35 U.S.C. § 102(b) In View of U.S. Patent 6,061,072 to Stewart et al.

Claims 1, 2, and 4

Claim 1, as previously pending, recites a controller operable to receive an activity level of a port and a device operable to indicate the activity level in response to a signal from the controller.

For example, referring, *e.g.*, to FIG. 3 and paragraph 30 of the patent application, a CPU-subsystem 31 reads the actual transmit and receive counts associated with a data port, generates an activity level rate of data traffic based upon the transmit and receive counts, and provides the activity level to a controller 51. The controller 51 generates a signal that represents the activity level and drives an indicator LED 40 with the signal such that the LED indicates the activity level of the port

In contrast, Stewart et al. teaches an LED that merely indicates the presence of network activity, but that does not indicate the level of activity for a particular port. For example, referring, *e.g.*, to FIG. 6 and column 7, line 15-25, Stewart et al. teaches LEDs (which are not even shown in the drawings) that may extend from a printed circuit board and indicate a fault/no-fault status and the presence, but not the level, of network activity. Further, Stewart et al. fails to teach how the LEDs are driven or whether they are even associated with a single port or associated with all the ports connected to the network.

Claims 2 and 4 are patentable by virtue of their dependencies from claim 1.

Rejection of Claim 3, -20 Under 35 U.S.C. § 103(a) as being unpatentable over Stewart et al.

Claim 3

Claim 3 is patentable by virtue of its dependency from claim 1.

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Rejection of Claim 5-24 Under 35 U.S.C. § 103(a) as Being Unpatentable over Stewart et al. in View of U.S. Patent 6,339,584 B1 to Gross et al.

Claims 5-8

Claim 5, as previously pending, recites a controller operable to receive an activity level of a port and a device operable to indicate the activity level based on an activity-level signal from the controller, wherein the signal comprises a series of separated pulses, the separation between pulses being a function of the activity level.

For example, referring, *e.g.*, to FIG. 3 and to paragraph 36 of the patent application, a logic state machine 54 measures the separation between each pulse in a series of pulses, wherein the separations represent activity level in a network to determine an activity level signal for driving an indicator 40. A long separation between two pulses represents a lower level of activity whereas a short separation between two pulses represents a higher level of activity. That is, as is recited in claim 5, the separations between the pulses are a function of the activity level.

In contrast, Stewart et al. teaches an LED that merely indicates the presence of network activity, but that does not indicate the level of activity for a particular port, as discussed above with respect to claim 1.

Additionally, Gross et al. does not teach a separation between pulses being a function of an activity level, but merely teaches a system having a clock signal for timing control of synchronous data passed between nodes based upon a beat packet signal received from an Ethernet controller. Referring *e.g.*, to FIGS. 2A and 3, Column 6, lines 6-13, and Column 8, lines 19-43, Gross et al. is directed toward

controlling the timing of network activity between nodes in an Ethernet system. More specifically, the beat packet, which is simply a traffic signal for all possible activity in the network, is received by each node in the network at an Ethernet controller 12. Each node may or may not transmit and receive data during each beat packet. As such, the beat packet, and consequently the separation between beat pulses is not an indication of the activity level for the network. That is, the nodes may receive and transmit arbitrary amounts of data during each beat packet; the actual activity level is independent of the separation between beat pulses.

Thus, it would not have been obvious to one skilled in the art at the time the invention was made to combine the teachings of Stewart et al., which is merely directed toward the indication of the mere presence of network activity, with the teachings of Gross et al., which is merely directed toward controlling the transmitting and receiving of data on a network, to arrive at the subject matter recited in claim 5.

For the foregoing reasons, claim 5 and dependent claims 6-8 are in condition for allowance.

Claims 9-13

Claims 9-13 are patentable for similar reasons discussed above in support of claim 5.

Claims 14

Claim 14 is patentable for similar reasons discussed above in support of claim 1.

Claims 15

Claim 15 is patentable for similar reasons discussed above in support of claim 5.

Claims 16

Claim 16 is patentable for similar reasons discussed above in support of claim 5.

Claims 17-19

Claims 17-19 are patentable for similar reasons discussed above in support of claim 1.

Claims 20-21

Claims 20-21 are patentable for similar reasons discussed above in support of claim 5.

Claims 22-23

Claims 22-23 are patentable for similar reasons discussed above in support of claim 5.

Claims 24

Claim 24 is patentable for similar reasons discussed above in support of claim 1.

CONCLUSION

In light of the foregoing, Applicants' undersigned attorney submits that claims 1-24 as previously pending are in condition for full allowance, and that action is respectfully requested.
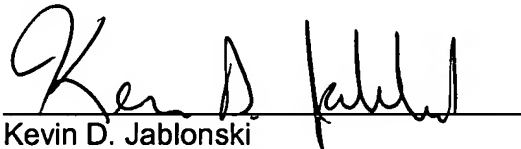
In the event additional fees are due as a result of this amendment, you are hereby authorized to charge such payment to Deposit Account No. 50-1078.

If the Examiner believes that a phone interview would be helpful, he is respectfully requested to contact the Applicants' attorney, Kevin D. Jablonski at (425) 455-5575,

DATED this 30th day of June, 2003.

Respectfully submitted,

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